

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2025-034

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA APPROVING THE APPEAL (APP 25034) BY BRANDI FAIA OVERTURNING THE PLANNING COMMISSION'S DECISION TO CONDITION THE APPROVAL OF A TRACK 1 DESIGN STUDY (DS 24203, 24216, 24217, FAIA) FOR THE REMOVAL OF THE EXISTING WOOD SHAKE ROOF AND INSTALL A NEW ROOF ON AN EXISTING TWO-STORY SINGLE-FAMILY RESIDENCE LOCATED ON THE NORTHEAST OF TORRES STREET AND 2ND AVENUE IN THE SINGLE-FAMILY RESIDENTIAL (R-1) ZONING DISTRICT, APNs 010-101-021-000, 010-101-020-000, & 010-101-012-000.

WHEREAS, on July 3, 2024, Daniela de Sola ("Applicant") submitted an application on behalf of Brandi Faia ("Owners") requesting approval of Track 1 Design Study application DS 24203, 24216, 24217 (Faia) described herein as ("Applications"); and

WHEREAS, the Applications have been submitted for three 4,000-square-foot lots (one 12,000-square-foot building site) located at the northeast corner of Torres Street and 2nd Avenue in the Single-Family Residential (R-1) Zoning District; and

WHEREAS, the Applicant is requesting approval of the Design Studies for the remodel of an existing 2,235-square foot two-story single-family residence, the addition of new doors and windows, new fencing, a new vertical standing seam metal roof with associated changes in site coverage; and

WHEREAS, in accordance with Carmel-by-the-Sea Municipal Code (CMC) Section 17.58.030 (Residential Design Review), changes in site coverage, changes in windows, doors, chimneys, and skylights, and changes in fences and walls is subject to a Track One Design Review and may be approved by the Director if the project complies with the Zoning Ordinance and all applicable residential design guidelines; and

WHEREAS, in accordance with CMC Section 17.58.030.A.3 the Director shall refer for action by the Planning Commission any application for a project that does not comply with applicable adopted design guidelines and design criteria; and

WHEREAS, on September 27, 2024, a notice of public hearing was published in the Carmel Pine Cone for the October 9, 2024, Planning Commission meeting in compliance with State law (California Government Code 65091) and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing; and

WHEREAS, on or before September 29, 2024, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on or before October 4, 2024, the meeting agenda was posted in three locations in compliance with State law, indicating the date and time of the public hearing; and

WHEREAS, on October 9, 2024, the Planning Commission held a duly noticed public hearing to receive public testimony regarding the Applications, including, without limitation, the information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, notice of the public hearing was published on November 29, 2024, in the Carmel Pine Cone in compliance with State law (California Government Code 65091), and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing

WHEREAS, on or before December 1, 2024, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on December 11, 2024, the Planning Commission held a public hearing to receive public testimony regarding the Application, including without limitation, information provided to the Planning Commission by City staff and through public testimony on the project; and

WHEREAS, on January 29, 2025, a timely appeal was filed with the City Clerk (APP 25034) by Brandi Faia (“Applicant”), (“Owner(s)”), and (“Appellant”)), requesting reconsideration by the City Council of the Planning Commission’s Approval with Conditions of the Application; and

WHEREAS, notice of the public hearing was published on March 21, 2024, in the Carmel Pine Cone in compliance with State law (California Government Code 65091), and mailed to owners of real property within a 300-foot radius of the project indicating the date and time of the public hearing

WHEREAS, on or before March 22, 2025, the Applicant posted the public notice on the project site and hand-delivered a copy of the public notice to each property within a 100-foot radius of the project site indicating the date and time of the public hearing; and

WHEREAS, on April 1, 2025, the City Council held a de novo hearing to consider the appeal and Application; and

WHEREAS, on April 1, 2024, the City Council held a duly noticed public hearing to receive public testimony regarding the appeal, including without limitation, information provided to the City Council by City staff and through public testimony on the project; and

WHEREAS, this Resolution and its findings are made based upon evidence presented to the City Council at the hearing date including, without limitation, the staff report and attachments submitted by the Community Planning and Building Department; and

WHEREAS, the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”), together with State Guidelines (14 California Code Regulations §§ 15000, *et seq.*, the “CEQA Guidelines”) and City Environmental Regulations (CMC 17.60) require that certain projects be reviewed for environmental impacts and that environmental documents be prepared; and

WHEREAS, the City Council finds that pursuant to CEQA regulations, the Application is categorically exempt under Section 15301 (Class 1) – Existing Facilities and no exceptions to the exemption exist pursuant to section 15300.2 of the CEQA Guidelines; and

WHEREAS, the facts set forth in the recitals are true and correct and are incorporated herein by reference.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Carmel-by-the-Sea does hereby **APPROVE** the appeal by Brandi Faia (APP 25034) and overturn the December 11, 2024 Planning Commission decision to condition the approval of the Track 1 Design Study (DS 24203, 24216, 24217, Faia) for the replacement of the wood shake roof of a two-story single-family residence located the northeast corner of Torres Street and 2nd Avenue as found in Resolution 2024-087-PC.

FINDINGS REQUIRED FOR DESIGN STUDY APPROVAL		
For each of the required findings listed below, the staff has indicated whether the application supports adopting the findings, either as proposed or with conditions. For all findings checked "no," the staff report discusses the issues to facilitate the Planning Commission's decision-making. Findings checked "yes" may or may not be discussed in the report depending on the issues.		
CMC Section 17.58.060.B, Findings for Design Review Approval	YES	NO
1. The project conforms to the applicable policies of the General Plan and the Local Coastal Program.	✓	
2. The project complies with all applicable provisions of the Carmel Municipal Code.	✓	
3. The project is consistent with the applicable adopted design review guidelines.		✓
CMC 17.58.060.C, Additional Findings for Design Study Approval	YES	NO
1. The project conforms with all zoning standards applicable to the site or has received appropriate use permits, variances, or exceptions consistent with the Zoning Ordinance.	N/A	N/A
2. The project contributes to neighborhood character, including the type of forest resources present, the character of the street, the response to local topography, and the treatment of open space resources such as setbacks and landscaping.	✓	
3. The project is compatible with and sensitive to the natural features and built environment of the site and of the surrounding area. The project respects the constraints of the site and avoids excessive grading, cuts and fills. Construction on steep slopes is minimized to the extent feasible and abrupt changes in grade is minimized or mitigated.	N/A	N/A
4. The project maintains the City's principles of modesty and simplicity and preserves the City's tradition of simple homes set amidst a forest landscape. The project uses simple building forms and simple roof forms without complexity that would attract undue attention to the site.	✓	
5. The project does not present excess visual mass or bulk to public view or to adjoining properties. The project relates to a human scale in form, elements, and in the detailing of doors, windows, roofs, and walkways.	✓	
6. Project details and materials (e.g., windows, doors, chimneys, roofs, and stonework) are fully integrated and consistent throughout the design. Building materials are used in a manner that is visually consistent with the proposed architecture. All fenestration is appropriate in size and consistent with a human scale.	✓	
7. The project is consistent with the City's design objectives for protection and enhancement of the urbanized forest and open space resources. Open space is distributed around buildings to provide visual relief from structural bulk and a distinct	N/A	N/A

separation from buildings on adjacent sites.		
<p>8. All demolitions, remodels, and substantial alterations are consistent with the following findings:</p> <p>a. The design uses simple/modest building forms and a limited number of roof planes, and a restrained employment of offsets and appendages consistent with the City's design objectives.</p> <p>b. The mass of the building relates to the context of other homes in the vicinity that are in conformance with the City's design guidelines related to mass and scale.</p> <p>c. The development is similar in size, scale, and form to buildings on the immediate block and neighborhood.</p> <p>d. The development does not require removal of any significant trees unless necessary to provide a viable economic use of the property or protect public health and safety. All moderately significant trees have been protected to the maximum extent feasible. All buildings and structures will be set back at least six feet from significant trees.</p>	N/A	N/A

CONDITIONS OF APPROVAL	
No.	Standard Conditions
1.	<p>Authorization. The approval of Design Studies (DS 24203, 24216, 24217, Faia) for the remodel of an existing 2235-square foot two-story single-family residence located at the Northeast corner of Torres Street and 2nd Avenue in the Single-Family Residential (R-1) Zoning District, APN 010-101-021, 010-101-020, & 010-101-012, the addition includes;</p> <ol style="list-style-type: none"> 1. Replacing existing steel and wood windows doors with aluminum windows and doors 2. Installing two new aluminum doors; 3. Installation of new horizontal wood fencing with on the North, South, and West sides of the property; 4. Installation of a new vertical standing seam metal roof; 5. Constructing two new concrete door landings; 6. Constructing a new concrete front staircase and landings; 7. Installing Carmel stone around the front entry and the chimney. <p>as depicted in the plans prepared by Daniela de Sola, as approved by City of Carmel-by-the-Sea City Council on April 1, 2025 unless modified by the conditions of approval contained herein.</p>
2.	<p>Codes and Ordinances. The project shall be constructed in conformance with all requirements of the R-1 zoning district. All adopted building and fire codes shall be adhered to in preparing the working drawings. If any codes or ordinances require design elements to be changed, or if any other changes are requested when such plans are submitted, such changes may require additional environmental review and subsequent approval by the Planning Commission.</p>
3.	<p>Permit Validity. In accordance with CMC Section 17.52.170 (Time Limits on Approvals and Denials), a residential design study approval remains valid for a period of 12 months from the date of action. During this time, the project must be implemented, or the approval becomes void.</p>

	Implementation is affected by erecting, installing, or beginning the installation of the improvement authorized by the permit, as determined by the Director. Extensions to this approval may be granted consistent with CMC 17.52.170.C.
4.	Water Use. Approval of this application does not permit an increase in water use on the project site without adequate supply. Should the Monterey Peninsula Water Management District determine that adequate water is unavailable for this site, this permit will be scheduled for reconsideration, and appropriate findings will be prepared for review and adoption by the Planning Commission.
5.	Service Laterals. Prior to final inspection, all electrical service laterals to any new building or structure, or to any building or structure being remodeled when such remodeling requires the relocation or replacement of the main service equipment, shall be placed underground on the premises upon which the building or structure is located. Undergrounding will not be required when the project valuation is less than \$200,000, or the City Forester determines that undergrounding will damage or destroy significant trees(s) (CMC 15.36.020).
6.	Utility Meter Locations. The placement of all utility meters shall consistent with the locations identified in the approved plans. Changes to the location of any utility meter location shall require written approval of the Community Planning and Building Department prior to the change of the location.
7.	Fire Sprinklers - Residential. Additions, alterations, or repairs to existing structures that involve the addition, removal, or replacement of 50 percent or more of the linear length of the walls (interior and exterior) within a 5-year period shall require the installation of an automatic residential fire sprinkler system in accordance with the California Building and Fire Codes (CMC 15.08.135).
8.	Modifications. The Applicant shall submit in writing, with revised plans, to the Community Planning and Building staff any proposed changes to the approved project plans prior to incorporating those changes. If the Applicant changes the project without first obtaining City approval, the Applicant will be required to submit the change in writing, with revised plans, within two weeks of the City being notified. A cease work order may be issued at any time at the discretion of the Director of Community Planning and Building until a) either the Planning Commission or Staff has approved the change, or b) the property owner has eliminated the change and submitted the proposed change in writing, with revised plans, for review. The project will be reviewed for its compliance with the approved plans prior to the final inspection.
9.	Exterior Revisions to Planning Approval Form. All proposed modifications that affect the exterior appearance of the building or site elements shall be submitted on the "Revisions to Planning Approval" form on file in the Community Planning and Building Department. Any modification incorporated into the construction drawings not listed on this form shall not be deemed approved upon issuance of a building permit.
10.	<p>Conflicts Between Planning Approvals and Construction Plans. It shall be the responsibility of the Owner, Applicant, and Contractor(s) to ensure consistency between the project plans approved by the Planning Staff, the Planning Commission, or the City Council on appeal and the construction plans submitted to the Building Division as part of the Building Permit review. Where inconsistencies between the Planning approval and the construction plans exist, the Planning approval shall govern unless otherwise approved in writing by the Community Planning & Building Director or their designee.</p> <p>When changes or modifications to the project are proposed, the Applicant shall clearly list and highlight each proposed change and bring each change to the City's attention. Changes to the</p>

	project incorporated into the construction drawings that were not clearly listed or identified as a proposed change shall not be considered an approved change. Should conflicts exist between the originally approved project plans and the issued construction drawings that were not explicitly identified as a proposed change, the plans approved as part of the Planning Department Review, including any Conditions of Approval, shall prevail.
11.	Stone Facades (including chimneys). Prior to the issuance of a building permit, the Applicant shall clearly identify in the construction drawings the masonry pattern for all stonework. Stone facades shall be installed in a broken course/random or similar masonry pattern. Setting the stones vertically on their face in a cobweb pattern shall not be permitted. All stonework shall be wrapped around building corners and terminated at an inside corner or a logical stopping point that provides a finished appearance. Termination of stonework shall be subject to review and approval by the Community Planning & Building Director or their designee. Brickwork shall be finished the same manner as stonework described above.
12.	Wood or Aluminum Wood Clad Frame Windows and Doors. Prior to the issuance of a building permit, the Applicant shall include the manufacturer's specifications for the approved wood windows and doors. The window style shall be consistent with authentic wood or aluminum wood clad windows and doors with divided lights that appear to be true divided light, including the use of internal and external mullions and muntins on insulated windows. Any window pane dividers, which are snap-in or otherwise superficially applied, are not permitted. The painted finish shall be matte or low gloss.
13.	Indemnification. The Applicant agrees, at his or her sole expense, to defend, indemnify, and hold harmless the City, its public officials, officers, employees, and assigns from any liability; and shall reimburse the City for any expense incurred, resulting from, or in connection with any project approvals. This includes any appeal, claim, suit, or other legal proceedings to attack, set aside, void, or annul any project approval. The City shall promptly notify the Applicant of any legal proceeding and cooperate fully in the defense. The City may, at its sole discretion, participate in any such legal action, but participation shall not relieve the Applicant of any obligation under this condition. Should any party bring any legal action in connection with this project, the Superior Court of the County of Monterey, California, shall be the situs and have jurisdiction for resolving all such actions by the parties hereto.
14.	Driveway. Prior to the issuance of a building permit, the Applicant shall clearly identify on the construction drawings the driveway material and asphalt connection to the paved street edge. The driveway material shall be extended beyond the property line into the public right-of-way to connect to the paved street edge. A minimal asphalt connection at the street edge may be required by the Superintendent of Streets or the Building Official, depending on site conditions, to accommodate the drainage flow line of the street. If the driveway material is proposed to be sand set, a dimensioned construction detail showing the base material shall be included in the construction drawings.
15.	Hazardous Materials Waste Survey. Prior to the issuance of a demolition permit, the Applicant shall submit a hazardous materials waste survey to the Building Division in conformance with the Monterey Bay Unified Air Pollution Control District.
16.	Cultural Resources. Throughout construction, all activities involving excavation shall immediately cease if cultural resources are discovered on the site, and the Applicant shall notify the Community Planning & Building Department within 24 hours. Work shall not be permitted to recommence until such resources are properly evaluated for significance by a qualified archaeologist. If the resources are determined to be significant, prior to the resumption of work, a mitigation and monitoring plan shall be prepared by a qualified archaeologist and reviewed

	and approved by the Community Planning and Building Director. In addition, if human remains are unearthed during the excavation, no further disturbance shall occur until the County Coroner has made the necessary findings regarding origin and distribution pursuant to California Public Resources Code (PRC) Section 5097.98.
17.	Truck Haul Route. Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building Director, in consultation with the Public Works and Public Safety Departments, a truck-haul route and any necessary traffic control measures for the grading activities. The Applicant shall be responsible for ensuring adherence to the truck-haul route and implementation of any required traffic control measures.
18.	USA North 811. Prior to any excavation or digging, the Applicant shall contact the appropriate regional notification center (USA North 811) at least two working days, but not more than 14 calendar days, prior to commencing that excavation or digging. No digging or excavation is authorized to occur on-site until the Applicant has obtained a Ticket Number and all utility members have positively responded to the dig request. (Visit USANorth811.org for more information)
19.	Conditions of Approval. Prior to the issuance of a building permit, the Applicant shall print a copy of the Resolution adopted by the Planning Commission and signed by the property owner(s) on a full-size sheet within the construction plan set submitted to the Building Safety Division.
Landscape Conditions	
20.	Tree Removal Prohibited. Throughout construction, the Applicant shall protect all trees identified for preservation by methods approved by the City Forester. Trees on or adjacent to the site shall only be removed upon the approval of the City Forester or Forest and Beach Commission.
21.	<p>Tree Protection Measures. Requirements for tree preservation shall adhere to the following tree protection measures on the construction site.</p> <ul style="list-style-type: none"> • Prior to grading, excavation, or construction, the developer shall clearly tag or mark all trees to be preserved. • Excavation within 6 feet of a tree trunk is not permitted. • No attachments or wires of any kind, other than those of a protective nature, shall be attached to any tree. • Per Municipal Code Chapter 17.48.110, no material may be stored within the dripline of a protected tree, including the drip lines of trees on neighboring parcels. • Tree Protection Zone. The Tree Protection Zone shall be equal to dripline or 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line, whichever is greater. A minimum of 4-foot-high transparent fencing is required unless otherwise approved by the City Forester. Tree protection shall not be resized, modified, removed, or altered in any manner without written approval. The fencing must be maintained upright and taught for the duration of the project. No more than 4 inches of wood mulch shall be installed within the Tree Protection Zone. When the Tree Protection Zone is at or within the drip line, no less than 6 inches of wood mulch shall be installed 18 inches radially from the tree for every one inch of trunk diameter at 4.5 feet above the soil line outside of the fencing. • Structural Root Zone. The Structural Root Zone shall be 6 feet from the trunk or 6 inches radially from the tree for every one inch of trunk diameter at 4.5' above the soil line, whichever is greater. Any excavation or changes to the grade shall be approved by the City Forester prior to work. Excavation within the Structural Root Zone shall be performed with a pneumatic excavator, hydro-vac at low pressure, or another method

	<p>that does not sever roots.</p> <ul style="list-style-type: none"> • If roots greater than 2 inches in diameter or larger are encountered within the approved Structural Root Zone, the City Forester shall be contacted for approval to make any root cuts or alterations to structures to prevent roots from being damaged. • If roots larger than 2 inches in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended, and all work stopped until an investigation by the City Forester has been completed, and mitigation measures have been put in place.
22.	<p>Foundation Work Near Significant Trees. All foundations within 15 feet of significant trees shall be excavated by hand. If any tree roots larger than two inches (2") are encountered during construction, the City Forester shall be contacted before cutting the roots. The City Forester may require the roots to be bridged or may authorize the roots to be cut. If roots larger than two inches (2") in diameter are cut without prior City Forester approval or any significant tree is endangered as a result of construction activity, the building permit will be suspended and all work stopped until an investigation by the City Forester has been completed. Six inches (6") of mulch shall be evenly spread across the inside the dripline of all trees prior to the issuance of a building permit.</p>
Environmental Compliance Conditions	
23.	<p>Drainage Plan. Prior to the issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments a drainage plan that meets the requirements of the City's drainage guidance, SOG 17-07. At a minimum, new and replaced impervious area drainage must be dispersed around the site rather than focused on one corner of the property; infiltration features must be sized appropriately and located at least 6 feet from neighboring properties. The drainage plan shall include information on drainage from new impervious areas and semi-pervious areas.</p>
24.	<p>BMP Tracking Form. Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments a completed BMP Tracking form.</p>
25.	<p>Semi-Permeable Surfaces. Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments cross-section details for all semi-permeable surfaces.</p>
26.	<p>Erosion and Sediment Control Plan. Prior to issuance of a building permit, the Applicant shall submit for review and approval by the Community Planning & Building and Public Works Departments an erosion and sediment control plan that includes locations and installation details for erosion and sediment control BMPs, material staging areas, and stabilized access.</p>
Special Conditions	
27.	<p>Conditions of Approval Acknowledgement. Prior to the issuance of a building permit, a completed Conditions of Approval Acknowledgment form shall be included in the construction drawings. The form shall be signed by the Property Owner, Applicant, and Contractor prior to the issuance of a building permit.</p>
28.	<p>Copper Gutters & Downspouts Not Permitted. Prior to the issuance of a building permit, the applicant shall submit a revised plan for review and approval by the Planning Division, identifying the materials for the gutters and downspouts.</p>
29.	<p>Construction Management Plan. Prior to the issuance of a building permit, the Applicant shall submit a Construction Management Plan for review and approval by the Community Planning & Building Director.</p>
30.	<p>Fencing. Prior to issuance of a building permit, the applicant shall submit a revised plan for</p>

	review and approval by the Planning Division with new fencing for the property that allows for an open feel, filtered light views into the yard, and complies with CMC 17.10.030.E.1 (fences in the front setback shall be below 4 feet, not alterable by the Planning Commission).
31.	Site Coverage. Prior to issuance of a building permit, the applicant shall submit a revised plan for review and approval by the Planning Division with updated site coverage that is compliant with CMC 17.10.030.C.1-2.
32.	Right-of-Way Encroachments. Prior to Building Permit Issuance, the applicant shall apply for and obtain a permanent encroachment permit for any existing unpermitted encroachments within the public right-of-way, and new improvements proposed to be located in the right-of-way. Any encroachments that are denied shall be noted for removal, as appropriate, on the plans submitted to the Community Planning and Building Department for an associated Building Permit. A right-of-way improvement plan (ex. landscaping) shall accompany the revised plan set, as appropriate.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 1st day of April, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dale Byrne
Mayor

Nova Romero
City Clerk